

Syracuse University  
**COLLEGE OF LAW**

**April 01, 2025**

**Via CM/ECF Only**

Hon. Miroslav Lovric, United States Magistrate Judge  
U.S. District Court for the Northern District of New York  
15 Henry Street  
Binghamton, NY 13901

**Re: David and Rootwork Herbals, LLC v. Whittaker, Case No. 3:24-cv-699 (DNH/ML)**

Dear Judge Lovric:

Pursuant to the Court's March 14, 2025 Text Order, Plaintiffs' counsel submits this status report. The Tompkins County District Attorney's office notified the undersigned that Mr. Whittaker pleaded guilty to criminal contempt on March 27, 2025 and was sentenced to an additional 33 days of incarceration, to be served consecutive to his ongoing sentence of 364 days. Plaintiffs' counsel also confirmed with the District Attorney's office that Defendant's anticipated release date is on or around August 12, 2025.

Plaintiffs' counsel further notes that counsel for Defendant has not provided a proposed amended answer to the complaint in this matter by the March 28th deadline set by the Court. It therefore appears Defendant no longer intends to seek leave to file an amended answer. To the extent that Defendant still intends to seek leave to assert counterclaims for defamation as Defendant's counsel previously suggested, Plaintiffs would be opposed to such an amendment to the pleadings. Without the benefit of being provided with a proposed amended complaint by Defendant's counsel and based on the information available at present, Plaintiffs' opposition would be based upon untimeliness and frivolity. Defendant has not provided a sufficient excuse for failing to file an amended answer within the statutory deadlines. Furthermore, Defendant would be unable to allege in good faith that any statements made by Plaintiffs concerning Defendant were false, especially given Defendant's criminal conviction based upon the same or similar conduct as alleged in the complaint in this matter.

Respectfully submitted,

s/ M. Casey Weissman-Vermeulen  
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CC: Syed Omar Shah, Counsel for Defendant via CM/ECF only